

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA

CRIMINAL ACTION NO. 13-0053

VERSUS

JUDGE ELIZABETH E. FOOTE

BRANDON BLAINE HANDY

MAGISTRATE JUDGE WHITEHURST

ORDER

Before the Court are two motions filed by Defendant Brandon Blaine Handy ("Handy"). The first is a motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A). Record Document 65. In his motion, Handy requests counsel to assist him in his § 3582 proceedings. *Id.* at 2. The second is a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Record Document 234. In his motion, Handy writes: "My attorney has all information. Angelle R. Boudreaux," and includes Ms. Boudreaux's phone number. *Id.* at 5.

The Court observes that Ms. Boudreaux was only appointed to represent Handy for his motion for relief pursuant to Amendment 821. *See* Record Documents 216 & 218. That motion has been adjudicated. Record Document 224. Ms. Boudreaux has not been appointed to represent Handy pursuant to his § 3582 or § 2255 motions. And Handy is not entitled to appointment of counsel for these motions. A defendant's right to appointed counsel "extends to the first appeal of right, and no further." *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987). There is no constitutional or statutory right to counsel for federal postconviction or compassionate release proceedings. *See Urias v. Thaler*, 455 F. App'x 522, 523 (5th Cir. 2011); *United States v. Pinson*, 08-CR-0283, 2023 WL 5985245, at *2 (S.D. Tex. Sept. 14, 2023) (citing *United States v. Whitebird*, 55 F.3d 1007, 1011 (5th

Cir. 1995)). The interests of justice do not suggest an attorney should be appointed to represent Handy in these proceedings. Thus, Handy proceeds *pro se* on both motions, that is, he continues to represent himself without appointed counsel.

As to Handy's motion for relief under § 2255, Handy himself must provide the facts supporting his argument for relief. If Handy has additional facts supporting his § 2255 motion to present to the Court, those supplemental facts should be filed on or before **April 2, 2025**.

As to Handy's motion for relief under § 3582(c)(1)(A), Handy's motion [Record Document 233] is **DENIED** to the extent it requests appointment of counsel. The Government's opposition, if any, to Handy's compassionate release motion is due on or before **April 2, 2025**. If Handy wishes to file a reply to the Government's opposition, the reply will be due on or before **April 28, 2025**.

THUS DONE AND SIGNED this 5th day of March, 2025.



ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE